

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,)	
)	
v.)	Cr. No. 19-331
)	
SUE O'NEILL)	

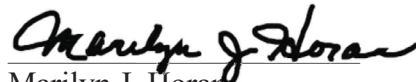
Response to Correspondence

Defendant Sue O'Neill has submitted correspondence to the Court. This case was originally assigned to Senior District Judge Donetta W. Ambrose, who assumed inactive status on February 1, 2022. On March 16, 2023, this case was reassigned to the undersigned, District Judge Marilyn J. Horan. In her correspondence, Ms. O'Neill discusses certain aspects of the Bureau of Prison's (BOP) management of her obligations under the Inmate Financial Responsibility Program (IFRP). ECF No. 60. Ms. O'Neill does not directly request that the Court take any action, instead she states that she seeks clarification regarding her financial obligation payments while in prison. ECF No. 60, at 1, 2.

"The Inmate Financial Responsibility Program, 28 C.F.R. §§ 545.10 and 545.11, is a voluntary work program instituted by the BOP and intended to encourage 'each sentenced inmate to meet his or her legitimate financial obligations.' 28 C.F.R. § 545.10. Among those 'legitimate financial obligations' are the payment of '[c]ourt-ordered restitution' and '[f]ines and court costs.' 28 C.F.R. § 545.11(a)." *Folk v. Gibson*, No. 3:18-CV-1948, 2022 WL 1295411, at *1 (M.D. Pa. Apr. 29, 2022) (resolving petitioner's writ of habeas corpus pursuant to 28 U.S.C. § 2241, in which petitioner raised challenges to the deductions of funds pursuant to IFRP). "The IFRP can be an important part of a prisoner's efforts toward rehabilitation, but strictly speaking, participation in the program is voluntary[;] ... an inmate in the Bureau of Prisons' custody may lose certain privileges by not participating in the IFRP, but the inmate's participation cannot be

compelled.” *United States v. Snyder*, 601 F. App'x 67, 70 (3d Cir. 2015) (quotation and citation omitted). Accordingly, it is the BOP who manages an inmate’s obligations under the IFRP. With respect to challenges to the BOP’s management of an inmate’s IRFP, as Judge Ambrose explained to Ms. O’Neill in 2021, “[c]hallenges to payments an inmate is required to make through the Inmate Financial Responsibly Program (‘IFRP’) must be brought through a petition filed under 28 U.S.C. §2241 in the district where the inmate is confined.” Mem. Order, Dec. 29, 2021, at 1 (ECF No. 59). Ms. O’Neill remains incarcerated at FPC Alderson in the Southern District of West Virginia, therefore, to the extent she is attempting to raise a section 2241 challenge to payments under the IFRP in the Western District of Pennsylvania, this Court lacks jurisdiction to consider such a challenge.

March 21, 2023


Marilyn J. Horan
United States District Judge

cc: Sue O’Neill
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